

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

COURTNEY M. COWINS,

Petitioner,

v.

GARY BOUGHTON,

Respondent.

ORDER

16-cv-22-jdp

On November 19, 2018, I denied petitioner Courtney M. Cowins's petition for a writ of habeas corpus under 28 U.S.C. § 2254. Dkt. 30. On April 29, 2019, I denied Cowins's motion for reconsideration. Dkt. 30. Now Cowins has filed a notice of appeal and a request to proceed *in forma pauperis* on appeal. Dkt. 45. After reviewing the affidavit of indigency Cowins provided to the court, I conclude that he has no means to pay the \$505 fee for filing his appeal. I also will not certify that Cowins's appeal is taken in bad faith. *See* 28 U.S.C. § 1915(a)(1) and (3). Therefore, I will grant Cowins's motion to proceed *in forma pauperis* on appeal.

Cowins has also filed a motion for page-limit extension, Dkt. 47, and application for certificate of appealability, Dkt. 48, both captioned to the Court of Appeals for the Seventh Circuit. I will deny these motions because they are not properly raised in this court. I cannot grant Cowins a page-limit extension for his appellate brief, and I have explained previously why I will not grant Cowins a certificate of appealability. *See* Dkt. 30 at 17 and Dkt. 43 at 4. Although I do not think Cowins's appeal is taken in bad faith for purposes of § 1915(a)(3), I do not think Cowins has made a substantial showing the denial of a constitutional right. Therefore, Cowins should make these requests directly to the court of appeals.

ORDER

IT IS ORDERED that:

1. Petitioner Courtney M. Cowins's motion to proceed *in form pauperis* on appeal, Dkt. 45, is GRANTED.
2. Petitioner's motions for a page-limit extension, Dkt. 47, and certificate of appealability, Dkt. 48, are DENIED WITHOUT PREJUDICE to him refiling the motions directly with the Court of Appeals for the Seventh Circuit.

Entered June 18, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge